

From: CC Grisham
To: J. Mark
Cc: Charles Curtis Grisham Jr.; R6 FOIA; Patrick Dwayne; Ortiz Diana; Meyer John; Tzhone Stephen; Ragon Derek; Kirst Tina; Megan Giza; Seeger, Chris; Hovis Jennifer; Woodruff James; Richa, Dawn; et al; EPA.gov; Mark, Phil; Gray; Cu, A; Ron
Subject: Re: Questions asked via email
Date: Thursday, July 23, 2015 3:58:39 AM

Mr. Ford,

Regarding the FOIA requests I filed in response to your terse, boilerplate replies below: I have been in communication with Jennifer Hovis, Chief, Information Management Branch, Office of Superfund Remediation and Technology Innovation — who is not an attorney — and she was very helpful in providing the information I sought and in **answering my questions**.

Consequently, I have withdrawn the evidently-unnecessary and clearly-onerous FOIA requests that your pushing back on me triggered.

A lengthy, detailed, friendly and collegial conversation on the telephone today with Jennifer and her associate Chip completely validated and satisfied my need for information expressed by "Question #1" below. The short **answer to my question** was: expect to see the new site roll out around October of this year.

In **answer to my question #2** below, which I had not even posed to her directly, Jennifer proactively wrote to me this morning:

"I saw in the attachments to this request that you included a previous email dialogue with Region 6 that asked a question about the HRS score for the Cedar Chemical site. In the event they did not address that question for you, I wanted to let you know that site was listed to the NPL as a result of the 'state pick' mechanism, rather than HRS scoring. If you are not familiar with the 3 mechanisms for listing, I can provide a few links for you. Just let me know."

I took her up on her offer and got:

"Here are two sites that may help. The first describes the 3 mechanisms for listing sites – HRS is by far the majority, but each state also gets one pick for a high priority site (the third relates to health advisories, which has not been used to list any sites in Arkansas). The second link below gives the list of all sites listed via the state pick mechanism."

"How sites are placed on the NPL:"

http://www.epa.gov/superfund/programs/npl_hrs/npln.htm

"The list of sites placed on the NPL based on the 'state pick':"

<http://www.epa.gov/superfund/sites/query/query.htm?nplns.htm>

In my humble opinion, your decision to thwart my quest for information as you did cost the taxpayers considerably in wasted agency staff time and effort around these requests for information. I know for a fact you cost me personally in terms of wasted time and effort.

I hope you will draw from Jennifer Hovis' humane and respectful example to become yourself a more forthcoming and cooperative steward of public information when in future you address the concerns of a member of the public.

Sincerely,

Charles Curtis Grisham, Junior

On Jun 29, 2015, at 10:13 AM, Ford, Mark <Ford.Mark@epa.gov> wrote:

Mr. Grisham:

I have copied and pasted the following directly from your below email which I will address Question #1 & #2 accordingly:

Question #1:

"The above statement is not an acceptable explanation for the lack of maintenance or availability of the public information at this portion of the EPA public websites. What is the status of that data migration "technical issues" claimed to as excuse for these lacunae? When will this portion of the EPA public websites be updated or taken down completely as the current state is misleading?"

Answer:

FOIA is not designed to provide answers to questions; rather FOIA is designed to provide documents to requests. I apologize but I am not sure who at EPA Region or Headquarters would be able to answer your question. The original email recipients are included on this email in hopes that they can assist by forwarding to the appropriate person/division.

Question #2

"2) Regarding the Arkansas section found at the web pages accessed by the corrected link below: why is there no HRS score given for Cedar Chemical Corporation of West Helena one of the nine (9) sites listed for Arkansas?"

Answer:

FOIA is not designed to provide answers to questions; rather FOIA is designed to provide documents to requests. Question #2 is in the form of a question and is thus not a FOIA. The original email recipients are included on this email in hopes that they can forward to the appropriate person/division.

Accordingly I hope the above has closed this matter out as to Superfund FOIA. If you still believe we need to speak on Wednesday July 1, 2015 at 1:00 please let me know via email and provide me a basis as to why FOIA can still assist you with the above.

Many thanks

Mark Ford
Senior Attorney/ORC
Superfund/FOIA

From: CC Grisham <grish@me.com>

Sent: Monday, June 29, 2015 11:25 AM

To: Ford, Mark

Cc: Charles Curtis Grisham Jr.; R6 FOIA; Patrick Dwayne; Ortiz Diana; Meyer John; Tzhone Stephen; Ragon Derek; Kirst Tina

Subject: Re: Final Disposition Request EPA-R6-2015-007955

Mr. Ford

I was definitely having trouble with these communications; they kept ending up in my "recovered items" folder. I couldn't tell if they were being sent or not. I apologize for this confusion and bother.

This is a strange anomaly. Below your reply message here appears the complete question I was trying to pose to you on Friday, June 26th (regarding my specific questions to you of Tuesday, June 16th):

"Mr. Ford, will you be addressing my questions about the response as posed below?"

My statement from that day also appears below your most recent message to me:

"I consider the response incomplete due to the missing information found at the links on the page I was provided in response to my FOIA request for that information."

The text of my June 16th follow-up message including my specific questions 1) & 2) also appear in the email thread below as I prepare this. I hope they will come through back to you in case you did not receive my June 16th follow-up email. They referred to the corrected link (<http://www.epa.gov/superfund/sites/query/query.htm?npln.htm>) which was provided in response to the subject FOIA request (EPA-R6-2015-007955) are quoted again here.

(Begin quote)

"Questions regarding the information provided at the page accessed by that link:

"1) Specific to the Arkwood entry referring to the column headed "Additional Information" in which there are three (3) links: the second link down is "Site Progress Profile" and links to: <http://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0600124>

"As I had questioned of Mr. Derek Ragon's responsibility for this portion of the EPA public websites over a year ago when he claimed to be a "data formatting" issue and the use of an "intern" to complete the migration: why is the information at this area of the EPA public websites **still** so woefully out-of-date? (Please see attached screen shot; I will forward the email conversation I had with Stephen Tzhone about this from April 2014 when Stephen told me "Your question is valid and I have requested clarification from the Information Management Team." Please note my complaints about Mr. Ragon's excuses and work product from the past.)

"The initial landing page states in red: **"In 2014, the Superfund Program implemented a new information system, the Superfund Enterprise Management System (SEMS). Efforts to migrate data to SEMS and to enhance data quality control are now in the final stages. The Program will continue to rely on the final CERCLUS data set (dated November 12, 2013, which reflects official end of Fiscal Year 2013 Program progress) for public reporting until a complete and accurate SEMS data set is available."**

"The above statement is not an acceptable explanation for the lack of maintenance or availability of the public information at this portion of the EPA public websites. What is the status of that data migration "technical issues" claimed to as excuse for these lacunae? When will this portion of the EPA public websites be updated or taken down completely as the current state is misleading?"

"2) Regarding the Arkansas section found at the web pages accessed by the corrected link below: why is there no HRS score given for Cedar Chemical Corporation of West Helena one of the nine (9) sites listed for Arkansas?"

(End of quote)

Attached are the images I tried to send with the original June 16th follow-up email; I have made the images into PDFs in case the JPG format was causing us the problem.

Let's see if this works. If there is still a problem, we should abandon this email thread as it is likely corrupt in some way not obvious to the non-technical eye.

1:00 PM Central Time Wednesday, July 1st works for me. Please call me when you are ready: 323-650-2300.

Thank you.

Curt



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